

REMARKS

Claims 1-13 are pending in this application, with Claims 1, 11 and 13 being in independent form. Claim 1 has been amended to define more clearly what Applicants regard as their invention. Claims 11-13 have been added to provide Applicants with a more complete scope of protection, with the aspects of Claim 13 being written in a desired means-plus function form. Applicants respectfully request favorable reconsideration of this application.

The Office Action rejected Claims 1-10 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement, noting that the specification has not defined how the textured nature of the outer surface inhibits the buildup of dirt and grime, and does not explain how one surface (smooth or textured) is more beneficial than the other surface. Without agreeing with the propriety of this rejection, Applicants have amended Claim 1 and deleted the recitations in Claim 1 directed to a “textured” outer surface and other recitations directed to inhibiting the buildup of dirt and grime. Applicants therefore respectfully request withdrawal of this rejection.

The Office Action rejected Claims 1 and 4-10 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,375,373 (Izushima), and separately rejected Claims 2 and 3 35 U.S.C. § 103(a) as being unpatentable over Izushima, asserting that the height of the elevated sections would have been obvious to one of ordinary skill in the art. Applicants respectfully traverse these rejections.

Applicants submit that amended independent Claim 1, together with the remaining claims dependent thereon, is patentably distinct from Izushima at least for the following reasons.

The aspect of the present invention set forth in Claim 1 is an elastomeric gripping element, configured to fit over a gripping section of an article, that includes a cylindrical member having an outer surface and a plurality of elevated sections extending from the outer surface. The elevated sections are configured to include intercalated, crossed or hexagon shapes. A band member is situated between the cylindrical member and a writing nib, and has a diameter greater than the diameter of the cylindrical member. Support in the specification for the cylindrical shape of the gripping member can be found at least in paragraph 0030 and Figures 1-8; for the shapes of the elevated sections, at least in paragraph 0026; and for the band member, at least in paragraph 0030. (It is to be understood, of course, that the scope of Claim 1 is not limited to the details of this embodiment.) Applicants submit

that nothing has been found in Izushima that would teach or suggest the features of amended Claim 1. Accordingly, Applicants submit that Claim 1 is patentable over Izushima.

Applicants submit that Claim 11 is allowable over the cited prior art at least because it is directed to an elastomeric gripping element that includes a cylindrical member having an outer surface, a conical member having a converging outer surface towards a writing nib of the article, and a band member situated between the conical member and the cylindrical member. Support in the specification for the band member can be found at least in paragraph 0030 of the specification and for the conical member, at least in paragraph 0031. (It is to be understood, of course, that the scope of Claim 11 is not limited to the details of this embodiment.)

As mentioned above, Claim 15 is in a desired means-plus function form. Applicants note that structure in the specification corresponding to the means for gripping an article may include (but, of course, not be limited to) any discussion regarding the cylindrical portion 50 of gripping element 10; the cylindrical portion 50 in combination with the band member 52; and the cylindrical portion 50 in combination with the conical gripping portion 60 (with or without band member 52). Similarly, structure in the specification corresponding to the means for enhancing the grip of the article can be found at least in paragraphs 0026 and 0027 of the specification, in particular, reference numerals 22 and 24. Applicants submit again that any such reference to corresponding structure in the specification is not intended to limit the corresponding structures in the specification as related to the means-plus function recitations.

The other claims in this application depend from one or another of the independent claims discussed above, and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual consideration or reconsideration, as the case may be, of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at the phone number listed below. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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